

CWP-12895-2001 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CWP-12895-2001 (O&M)
Date of decision:- 28.04.2026

P.L. Babbar

... Petitioner

Versus

The State of Haryana & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Vikas Chatrath, Senior Advocate with
Ms. Rishita Kaushik, Advocate
for the petitioner.

Mr. Aakash Singla, Additional Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to release the withheld amount of leave encashment, gratuity, commutation of pension, group insurance, general provident fund and arrears of pension, as also interest on the delayed release of these benefits to the petitioner. The benefits have already been released but after unexplained delay; details whereof have been furnished in a tabulated form, which is retained on the case file as Annexure-A. It mentions the following facts:

Sr. No.	Pensioners Benefits	Amount due	Date of payment	Delay Y	period M	D
1.	Leave encashment	Rs.177660	23.11.2001	0	10	22
2.	Gratuity 90% 10%	Rs.263825 Rs.29314	09.05.2001 10.12.2001	0 0	04 11	08 09
3.	Commutation of pension	Rs.314679	16.05.2001 27.04.2001	0	4	15
4.	Group Insurance	Rs.16607	02.05.2001	0	4	0
5.	GPF	Rs.343250	30.07.2001	0	1	0
6.	Pension from January, 2001 to April, 2001	Rs. 6304 for 4 months	09.05.2001	0	4	8

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2. Learned counsel for the petitioner contends that there is no justification for the delay in release of retiral benefits. This entitles the petitioner to interest for the period of delay in terms of law laid down by a Division Bench of this Court in CWP-3473-1991, titled *A.K. Kapoor v. State of Haryana and ors.*

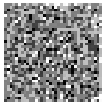
3. Learned State counsel does not dispute the aforesaid details mentioned in Annexure-A in view of the instructions received vide memo dated 27.04.2026, which is retained on the case file as Annexure 'B'. He, however, submitted that the delay was only procedural and not intentional, as explained in the reply filed on behalf of the respondents which is as under:

1. That Sh.P.L.Babar retired District Education Officer Yamuna Nagar has prayed that he may be granted the interest at the rate of 18% on the delayed payment of retiral benefits i.e unutilized earned leave, gratuity and delayed payment on retiral benefits. In this regard it is submitted that the petitioner retired on 31.12.2000 and the grant of his retiral benefits i.e. pension, DCRG and commutation of pension were released by A.G.Haryana, Chandigarh vide dated 27.4.2001. Thus there is no delay in making the payment of above said amount. So, far as the payment of GPF concerned it is submitted that the amount of GPF was paid to the petitioner on 30.7.2000. It is pertinent to mention here that in releasing G.P.F amount, commonly some formalities are required to be fulfilled. It is pertinent to mention to here that the Accountant General Haryana issued the authority for payment of GPF alongwith interest upto the date of

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issue of authority. Thus the petitioner is not entitle to receive the payment of interest again and again on the amount of GPF like this the amount of GIS was also paid to the petitioner on 2.5.2000, which took time in collecting the record of deducted amounts from the concerned institution/office. Keeping in view the procedural formalities there is no delay in making the payment of amount of GIS. Regarding payment of leave encashment it is submitted that the sanction of leave encashment is issued after verify the service Book of the retiree but the service Book of remained entangled with the pension case of the retiree from 6.2.2001 to 23.4.2001 and after this the service book was sent to DEO to complete the leave account in the service Book which was received from the DEO Yamuna Nagar 4.7.2001 in the Directorate. After this sanction for payment of leave encashment was issued vide dated 8.10.2001. It is pertinent mentioned to here that the delay in making payment is procedural delay. There is no malafide intention on the part of the answering deponent for making the payment of leave encashment

2. That in regarding the payment of withheld gratuity of the retiree, it is submitted that 10% amount of the total payable gratuity is withheld to get clarification regarding recovery from the retiree. The procedure take time to investigate the amount of recoveries or loans taken by the retiree during service. Due to this the N.D.C in favour of the petitioner was issued by the competent authority vide dated 16.11.2001. Thus keeping in view the procedure of completion of formalities there is no delay in making the payment of withheld gratuity Rs.29314/-.



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4. Heard.
5. There is no dispute that the due amounts of retiral benefits, as detailed hereinbefore, were released to the petitioner after some delay. The explanation given by the respondents for the delay also shows that it was on account of time taken by the department in getting the benefits cleared. That being the case, the petitioner could not be put to any loss for this administrative lapse, as it was not of his making. The respondents were bound to release the benefits to him with effect from the date of retirement.
6. In view thereof, the writ petition is partially allowed, directing the respondents to pay interest at the rate of six cent per annum to the petitioner for the delayed disbursement of leave encashment, gratuity, commutation of pension and arrears of pension, as mentioned in Annexure-A, within four weeks of receiving a certified copy of the order.

(TRIBHUVAN DAHIYA)
JUDGE

28.04.2026

monika

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No